

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KEVIN OLIVER,

FILED
IN CLERK'S OFFICE
US DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

★ SEP 13 2011

BROOKLYN OFFICE

Plaintiffs,

- against -

DETECTIVE EDWARD ROGAN and
NASSAU COUNTY POLICE DEPARTMENT,

Defendants.

TOWNES, United States District Judge:

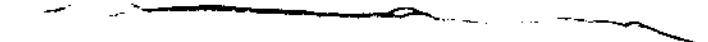
On October 22, 2007, pro se plaintiff Kevin Oliver commenced this action against Det. Edward Rogan and the Nassau County Police Department (“Defendants”), alleging false arrest, due process violations, and malicious prosecution in connection with his convictions. At the time of the filing, Oliver was incarcerated at Rikers Island and on March 4, 2008, Magistrate Judge Lois Bloom stayed the action pending resolution of the criminal charges against him. The case has thereafter remained in this posture, with Defendants filing regular updates on the status of Oliver’s criminal appeal. During this time, Oliver has updated the Court as to his new mailing addresses, most recently on February 1, 2011. In that letter, Oliver indicated that he was homeless, had been transferred from shelter to shelter, and although he was staying at a hotel, he could not use their address, instead providing the address of a shelter. (Docket No. 40). By letter dated June 13, 2011, Defendants informed the Court that mail sent to this address had been returned as undeliverable and that defense counsel had no other address to reach Oliver. (Docket No. 45). On June 16, 2011, Judge Bloom ordered Oliver to contact the Court with his current address by July 13, 2011, or she would recommend that his case be dismissed as abandoned. (Docket No. 46). On August 25, 2011, having received no word from Oliver, Judge Bloom

Chm

issued a Report and Recommendation ("R&R") recommending that Oliver's complaint be dismissed without prejudice and the case closed. (Docket No. 49). Oliver has filed no objections, nor has he communicated in any way with the Court.

A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). Nonetheless, when no objections are filed, many courts seek to satisfy themselves "that there is no clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); see also Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007). Having reviewed the record in this case and finding no clear error, the Court adopts the R&R (Docket No. 49) in its entirety pursuant to 28 U.S.C. § 636(b)(1) and dismisses the complaint. The Clerk of Court is respectfully directed to close the case.

SO ORDERED.


SANDRA L. TOWNES
United States District Judge

Dated: September 12, 2011
Brooklyn, New York